

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/856,362

REMARKS

Claims 1-22 are all the claims pending in the application.

Claims 1-3 and 5-20 stand rejected under 35 U.S.C. 102(e) as being anticipated by USP 6,654,162 (the '162 patent) to Akasaka et al. Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the '162 patent. Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the claims in view of the following arguments.

The '162 patent is an improper reference under 35 U.S.C. 102(e). The '162 patent claims the benefit of U.S. patent application No. 09/527,748, filed on March 17, 2000, now U.S. patent 6,292,288, which is a continuation-in-part of application No. PCT/JP99/03944, filed on July 23, 1999. Because the '162 patent is based on an international application filed prior to November 29, 2000, the 102(e) date of the '162 patent is March 17, 2000, the actual filing date of the U.S. application that claimed the benefit of the international application. Thus, the 102(e) date of the '162 patent is later than the priority date of the present application, September 23, 1999. Accordingly, Applicant respectfully submits that claims 1 and 11, and their dependent claims 2-10, 21-22, and 12-20 are patentable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.